

REMARKS

Reconsideration of the rejection of Claims 1-7 based on the Jost disk with a plurality of perforations and/or Jost and Gutknecht et al.

It appears that the Examiner's rejection is based upon a misconception that the Applicant is claiming that the distribution of the perforations is the critical feature of the invention whereas the location of the perforations in respect to the annular zone is at least of equal importance and this feature is in no way suggested or shown in the prior art Jost patent. Rather to the contrary, Jost actually teaches away from the invention by providing the perforations over the entire surface area of the disk. This is disadvantageous since it detracts from the available grinding surface. Moreover, criticality of the invention is established by the data reported at pages 5 and 6 of the Specification wherein it is stated that Disk #1 (with perforations in accordance with the invention) was superior to Disk #2 (perforations only at 5 exhaust holes) in grinding performance and ease of installation.

The Examiner cites the *In re Nelson* case for the proposition that "removal of structure with a consequent loss of it's function is considered an obvious matter of design choice".


Here, however, we have removed structure (perforations) and improved function (more grinding surface is now available) which is a non-obvious improvement over the prior art. The location of the zone in which the perforations are to be made is, therefore, a critical and non-obvious part of the invention and allowance of Claims 1-7 is, therefore, respectfully requested.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (978) 341-0036.

Respectfully submitted,

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